

15992 U.S. PTO
011304

Patent
ISO Docket No.: 826
Atty Docket No.: 16594-005003
Page 1 of 5

55223 U.S. PTO
10/757555
011304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION
UNDER 37 C.F.R. §153(b)

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. §1.53(b) of pending Application No. 09/638,900 filed on August 15, 2000, for A METHOD FOR PRODUCTION OF ANTIBODIES TO SPECIFIC SITES OF RAPAMYCIN, by the following named inventor(s):

- (a) Full Name Randall W. Yatscoff
- (b) Full Name Andrew J. Malcolm
- (c) Full Name Selvaraj Naicker

☐ Applicant(s) hereby requests that the above-captioned application NOT BE PUBLISHED under 25 U.S.C. §122(b) and 37 C.F.R. §1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. §1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. §1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

☒ applicant(s) suggest Figure 1 for inclusion on the front page of the patent application publication and/or patent.

1. ☒ Enclosed is a copy of the prior Application No. 09/638,900 as originally filed on August 15, 2000, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					770.00
Total Claims	28	Minus 20 =	8	x \$18.00 =	144
Independent Claims	2	Minus 3 =	0	x \$86.00 =	0
If multiple dependent claims are presented, add \$290.00					0
Total Application Fee					914.00
If small entity status is claimed, subtract 50% of Total Application Fee					457.00
Add Assignment Recording Fee of \$ _____ if Assignment document is enclosed					
Total Application Fee Due *Not Included					457.00

5. ☒ No fee is enclosed. Applicants hereby request the issuance of a Notice to File Missing Parts.
6. ☒ Cancel in the application original claims 1-27 of the prior application before calculating the filing fee.
7. ☐ New drawings are enclosed. See Submission of Formal Drawings and Figures _____.
8. ☐ Priority of Application No. ____ filed on ____ in ____ (Country) is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on ____ in prior Application No ____ filed on ____, and acknowledged by the Examiner on ____ in Paper No. ____.
- ☐ has not yet been filed.

9. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☒ continuation ☐ divisional of Application No. 09/638,900, filed on August 15, 2000; which is a continuation of Application No. 09/419,877, filed on October 15, 1999; which is a continuation-in-part of Application No. 09/325,994, filed on June 4, 1999; which is a continuation of Application No. 09/101,309, filed on July 7, 1998; which was filed as International Application No. PCT/CA98/00361 on April 9, 1998; which claims priority to U.S. Provisional Application No. 60/043,215, filed on April 9, 1997--.
- ☐ This application is a ☐ continuation ☐ divisional of U.S. Application No. filed on , which was a national stage filing under 35 U.S.C. §371 of International Application No. filed on .
- ☐ This application is a ☐ continuation ☐ divisional of U.S. Application No. filed on , which was a continuation of International Application No. filed on .
10. ☒ A preliminary amendment is enclosed.
11. ☒ An Information Disclosure Statement together with Form PTO-1449 is enclosed; 0 copies of the references cited are enclosed.
12. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
13. ☐ Also enclosed .
14. ☒ The power of attorney in the prior application is to Mary Ann Dillahunty et al.
- a. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
- b. ☒ A copy of the power in the prior application is enclosed.
- c. ☒ A Power of Attorney and Correspondence Address Indication Form together with attached Statement Under 37 C.F.R. 3.73(b) are enclosed.

- f. ☒ Address all future communications to: (May only be completed by applicant, or attorney, or agent of record.)

Mary Ann Dillahunt
FISH & RICHARDSON P.C.
500 Arguello Street
Suite 500
Redwood City, CA 94063-1526

Date: January 13, 2004

By: Susan Sutterfield Wilks
Susan Sutterfield Wilks
Registration No. 48,192

Address of Signator:

Isotechnika Inc.
17301 North Perimeter Drive
Suite 100
Scottsdale AZ 85255

☐ Inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37C.F.R. §1.34(a)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL, Express Mail Label #ER072746018US, in an envelope addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 13, 2004.

Date: 1/13/04

Pamela A. Matheis
Pamela A. Matheis